

REMARKS

In the Office Action of September 20, 2010,¹ Applicants' amendments to the Specification were rejected. Furthermore, claims 1-5, 7-16, 18-27, and 29-33 were rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,453,038 to McFarlane et al. ("*McFarlane*") in view of U.S. Patent No. 6,128,380 to Shaffer et al. ("*Shaffer*") and further in view of U.S. Patent No. 5,633,924 to Kaish et al. ("*Kaish*"). Finally, claims 6, 17, and 28 were rejected under 35 U.S.C. § 103(a) as being allegedly obvious over *McFarlane* in view of *Shaffer*, further in view of *Kaish*, and further in view of U.S. Patent No. 6,901,380 to Bremers ("*Bremers*").

By this Amendment, Applicants have amended the specification and claims 1,8, 12, 19, 23 and 30. These amendments are made without prejudice or disclaimer and are fully supported by the specification at, for example, paragraph 27. No new matter has been introduced. Claims 1-33 are currently under examination.

1. Rejection of Amendment to the Specification

Applicants respectfully disagree with the Examiner's stated reason for rejecting the amendments to the Specification. Nevertheless, in order to advance prosecution, Applicants have withdrawn these amendments.

2. Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejections of (1) claims 1-5, 7-16, 18-27, and 29-33 as being unpatentable over *McFarlane* in view of *Shaffer* and *Kaish* and (2)

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

claims 6, 17, and 28 as being unpatentable over *McFarlane* in view of *Shaffer, Kaish* and *Bremers*.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit and stated that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” See M.P.E.P. § 2141. In comparing the claim to the prior art, three factual inquiries must be addressed: (1) the scope and content of the prior art must be ascertained; (2) the differences between the claimed invention and the prior art must be determined; and (3) the level of ordinary skill in the pertinent art at the time of the invention was made must be evaluated. See *id.*

Applicants have considered the Examiner’s arguments with respect to obviousness and, in order to address the Examiner’s concerns, Applicants have amended the independent claims. Applicants nevertheless respectfully submit that a *prima facie* case of obviousness has not been established in this application because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Accordingly, Applicants respectfully assert that the Office Action has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

a. **Rejection of Claims 1-5, 7-16, 18-27 and 29-33 Under § 103(a)**

Claim 1, as amended, recites, in part, “selectively synchronizing . . . routing logic of a routing system . . . wherein conditions that trigger the synchronizing are adjustable, rule-based and independent of the updating.” Independent claims 8, 12, 19, 23 and 30 recite similar elements.

The Office Action alleges that column 5, line 41 to column 6, line 15 of *Shaffer* discloses “automatically updat[ing]” the skill profile and that such “synchronizing is rule-based in that once training data (skills) is updated (a rule) the system synchronizes the routing system to redefine queues and agent groups...” See Office Action, pg. 10. This disclosure in *Shaffer*, however, does not teach or suggest “selectively synchronizing . . . routing logic of a routing system . . . wherein conditions that trigger the synchronizing are adjustable, rule-based and independent of the updating,” as recited in amended claim 1. This is at least because *Shaffer*’s synchronization on a “per agent basis” occurs irrespective of system conditions.

McFarlane fails to remedy this deficiency, as the Office Action acknowledges. See Office action pp. 9. Indeed, *McFarlane* is completely silent regarding “selectively synchronizing . . . routing logic of a routing system . . . wherein conditions that trigger the synchronizing are adjustable, rule-based and independent of the updating.”

Similarly, *Kaish* fails to teach or suggest “selectively synchronizing . . . routing logic of a routing system . . . wherein conditions that trigger the synchronizing are adjustable, rule-based and independent of the updating,” as recited in amended independent claim 1 (emphasis added).

While Applicants respectfully disagree with the Examiner's arguments concerning obviousness, Applicants have amended claim 1, as indicated above, to recite adjustable, rule-based synchronization in order to further distinguish the invention from the art cited by the Examiner, which does not include this feature. In view of this amendment, Applicants respectfully assert that the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the substantial differences between the prior art and the invention as a whole recited in claim 1, as amended. Accordingly, Applicants proffer that the Office Action does not clearly articulate a reason why amended claim 1 would have been obvious to one of ordinary skill in view of the prior art. Therefore, Applicants respectfully submit that a *prima facie* case of obviousness has not been established for amended independent claim 1 and requests that the Examiner withdraw the rejection of this claim.

Amended independent claims 8, 12, 19, 23, and 30, although of different scope, recite features similar to those of claim 1, and thus are allowable for at least the same reasons. Claims 2-5, 7, 9-11, 13-16, 18, 20-22, 24-27, 29 and 31-33 depend from the independent claims and thus include all of the elements recited therein, and are allowable for the same reasons, as well as by reason of reciting additional features not taught or suggested by the cited references. Accordingly, for at least the reasons discussed above, Applicants respectfully request withdrawal of the rejection of claims 1-5, 7-16, 18-27, and 29-33 under 35 U.S.C. § 103(a).

b. Rejection of Claims 6, 17, and 28 Under § 103(a)

Claims 6, 17, and 28 depend from claims 1, 12, and 23 respectively, and thus require all of the elements recited therein. As explained above, neither *McFarlane*,

Shaffer nor *Kaish* discloses “selectively synchronizing . . . routing logic of a routing system . . . wherein conditions which trigger the synchronizing are adjustable, rule-based and independent of the updating,” as recited in amended independent claim 1 and similar recitations in amended claims 12 and 23.

Bremers fails to remedy this deficiency and the Office Action does not assert otherwise, as it is relied upon as allegedly teaching *automatic synchronization* of databases according to a synchronization schedule. See Office Action pp. 22. Indeed, *Bremers* is silent regarding “selectively synchronizing . . . routing logic of a routing system . . . wherein conditions that trigger the synchronizing are adjustable, rule-based and independent of the updating” or the similar recitation of the independent claims. Accordingly, for at least the reasons discussed above, claims 6, 17, and 28 are allowable, and Applicants respectfully request withdrawal of the rejection of claims 6, 17, and 28 under 35 U.S.C. § 103(a).

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Customer No. 81,331
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In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: _____


Philip J. Hoffmann
Reg. No. 46,340